

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

GWACS ARMORY, LLC, an Oklahoma limited liability company,)	
Plaintiff,)	
v.)	Case No. 20-CV-0341-CVE-SH BASE FILE
KE ARMS, LLC)	Consolidated with:
RUSSEL PHAGAN, SINISTRAL SHOOTING TECHNOLOGIES, LLC)	Case No. 21-CV-0107-CVE-SH
BROWNELLS, INC. and SHAWN NEALON,)	
Defendants,)	
and)	
KE ARMS, LLC,)	
Plaintiff,)	
v.)	
GWACS ARMORY, LLC, GWACS DEFENSE INCORPORATED,)	
JUD GUDGEL, RUSSEL ANDERSON,)	
DOES I through X, and ROE CORPORATIONS I through X,)	
Defendants.)	

PLAINTIFF'S AND COUNTERCLAIM DEFENDANT'S PRETRIAL DISCLOSURES

COMES NOW, Plaintiff and Counterclaim Defendant, GWACS Armory, LLC (“Armory”), by and through its attorneys of record, and pursuant to FRCP 26(a)(3), submits its pre-trial disclosure of witnesses and exhibits.

I. LIST OF WITNESSES ARMORY EXPECTS TO PRESENT AT TRIAL:

	Name and Address	Subject of Discoverable Information
1.	Jud Gudgel c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Gudgel is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
2.	Shel Jones c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Jones is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
3.	Scott Merrill c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Merrill is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
4.	Russell Anderson c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Anderson is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
6.	Brian Haygood, P.E. System Engineering Laboratories 12785 State Highway 64 East Tyler, TX 75707	Mr. Haygood will serve as the Plaintiff's expert witness, and is expected to testify regarding his review of the records, his findings and opinions, within a reasonable degree of certainty, regarding the damages, if any, sustained by Defendants, and related issues in his report produced herein; and as to any other matter relevant to this action which may be elicited by counsel at trial.

7.	KE Arms, LLC, Rule 30(b)(6) Designee c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	KE Arms, LLC is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages it claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
8.	Brownells, Inc., Rule 30(b)(6) Designee c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Brownells, Inc. is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages it claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
9.	Russell Phagan c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Phagan is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
10.	Shawn Nealon c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Nealon is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
11.	Karl Kasarda c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kasarda is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
14.	Iain Harrison c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Harrison is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this

		action which may be elicited by counsel at trial.
15.	Jovan Beltran c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Beltran is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
16.	Mike Kenny c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kenny is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
17.	Paul Levy c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Levy is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
18.	Randy Sperry c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Sperry is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.

Armory reserves the right to call witnesses listed by any other party.

II. LIST OF WITNESSES TO BE SUBPOENAED:

1. Michael Kenney
2. Paul Levy
3. KE Arms, LLC 30(b)(6) Designee
4. Brownells, Inc. 30(b)(6) Designee
5. Karl Kasarda

6. Iain Harrison

7. Jovan Beltran

8. Paul Levy

9. Randy Sperry

III. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION:

1. Karl Kasarda

2. Randy Sperry

3. Jovan Beltran

4. Iain Harrison

5. Michael Kenney

**IV. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION AS
DEEMED NECESSARY FOR IMPEACHMENT AND/OR REBUTTAL:**

1. Karl Kasarda

2. Randy Sperry

3. Jovan Beltran

4. Iain Harrison

5. Michael Kenney

6. Russell Phagan

7. Shawn Nealon

V. LIST OF DOCUMENTS ARMORY EXPECTS TO USE AT TRIAL:

No.	Document Description	Bates No.
40.	Online Post 9/16/11 CAV-15 for Sale	Depo Ex. 40
210.	Cavalry Arms CAV-15 Mold & IP for Sale 9/21/11	Armory 130-139
7. & 133.	Email Jones/Phagan & Sales Packet 9/27/11	KEA 2050-2073
211.	Email Jones/Phagan 9/28/11	Armory 6-11

5.	Asset Purchase Agreement between Sinistral Shooting Technologies & Calvary Arms Corp, dated 5/3/2010	KEA 90-92
46.	LOI to SST & Emails 10/4/11	KEA 96-100
44.	SST NDA dated 10/6/11	Armory 207-209
52.	Emails Phagan/Jones 10/18/11-10/24/11	KEA 120-122
42.	Emails Phagan/Jones 10/31/11-11/19/11	KEA 155-157
6.	Asset Purchase and Sales Agreement dated 11/22/11	KEA 178-186 & 39-40
50.	Email Phagan to Jones Customer List 1/9/12	KEA 204-205
53.	Email Phagan to Jones FedEx Packages 1/11/12	KEA 206-208
134.	Email Phagan to Jones Take Down Pins 1/13/12	KEA 2078
135.	Letter from Nealon to Armory 2/14/12	KEA 2044
45.	SST Post Re: sale of CAV-15 4/6/12	Armory 120-129
248.	Truth About Guns Article CAV-15 Returns dated 4/8/12	Armory 296-297 (No depo ex. #)
137.	Email Phagan to Jones 12/18/12	KEA 2080
138.	Email Phagan to Armory 1/27/13	KEA 2081
139.	Email Phagan to Jones 2/27/13	KEA 2082
47.	Email Phagan to Jones 2/8/13	Armory 202-204
48.	Phagan Resume 2013	Armory 205-206
49.	Email Phagan to Jones 2/25/13 Sales Rep & NDA	Armory 2
26.	Phagan Sales Rep Agreement 2/25/13	Depo Ex. 26
27.	SST NDA 5/9/13	Depo Ex. 27
142.	Email Phagan to Jones 3/27/13	KEA 2085
146.	Emails Phagan/Jones 5/9/13	KEA 2101-2106
8.	Brownells NDA 5/31/13	KEA 44-46
29.	Cavalry Manufacturing, LLC Website Post 2013	Armory 119
30.	Cavalry Manufacturing, LLC Website Post 2014	Armory 140
56.	Email Phagan to Jones 6/2/15 Re: KEA NDA	Armory 243
212.	KEA NDA 6/2/15	KEA 41-43
23.	Armory June 2021 Investment Executive Summary	Armory 234-242
233.	Email Jones to Phagan 6/2/15 Re: Invest. Opp.	Armory 432-436 (no depo ex.)
10.	Email Phagan to Jones 6/1/16 Re: Proposal	KEA 220-222
234.	Email Phagan/Jones 6/2/15 Re: Suarez Group	Armory 411 (no depo ex.)
33.	Emails Phagan/Jones 6/17/15 Re: Mold cad	KEA 215
235.	Emails Phagan/Jones 6/23-6/24/15 Re: Lower Trade	Armory 441-442 (no depo ex. #)
55.	Email Phagan to Jones 6/29/16 CAV-15 zip	Armory 169
11.	Brownells NDA 1/24/16	KEA 47-49
12.	Email Jones to Levy Re: NDA 2/2/17	KEA 461-464
236.	Emails Jones/Levy Re: Armory Next Gen. 11/13/17- 4/9/18	Armory 488-497 (no depo ex.)
153.	Emails Levy/InRangeTV 4/9/18 -4/10/18	KEA 492-493
237.	Emails Jones/InRange 4/12/-4/13/18 Re: NDA	Armory 429-430 (no depo ex. #)

155.	Emails Levy/InRangeTV 4/13/18	KEA 532
156.	Emails Jones/Levy 4/18/18 – 4/19/18	Armory 261-262
238.	Email Jones to Levy RE: Investment Opp. 4/19/18	Armory 310 (no depo Ex.)
24.	Armory April 2018 Financing Executive Summary	Armory 144-160
158.	Email Brownells WWSD Variance 4/20/18	KEA 411
88.	Email Levy/InRangeTV 4/20/18 Brownells Variance	KEA 488
159.	Emails Levy/Jones GWACS Armory CAV 15 4/20/18	Armory 258-260
160.	Emails Jones/Levy/Faxon 4/20/18-4/23/18	Armory 255-257
239.	Email ones to Karl K./InRange dated 5/2/18 Re: NDA	Armory 424
240.	Email Levy to Jones New Prod. Sub. 5/17/18	Armory 543 (no depo ex.)
161.	Brownells Projected CAV-15 Orders 5/17/18	Armory 110/413
46. & 90.	Emails Levy/InRangeTV/Gudgel 6/5/18	KEA 378
63.	Text Messages b/w Phagan and Jones	Dепо Ex. 63 Armory 311-333
241.	Email Jones to Levy Re: Update 6/28/18 – 9/11/18	Armory 546-552
58.	Emails Levy/InRangeTV 9/6/18-9/10/18	KEA 560-561
59.	Email Levy to Jones Receiver Update 9/10/18	Armory 4-5
60.	Emails Gudgel/Levy & Levy/Phagan 9/11/18	KEA 440-441
61.	Emails Levy/Jones & Levy/KEA&InRange 9/11/18	KEA 482-483
62.	Emails Levy/Phagan & InRange 9/11/18	KEA 721-723
163.	Emails Levy/Gudgel 9/27/18	KEA 448-451 & 456-460
14.	Emails Levy/Gudgel 10/5/18-10/29/18	KEA 402-403
164.	Emails Levy/Gudgel 10/29/18-11/5/18 Timeline & Ins.	Armory 252
15.	Emails Levy/Jones/Gudgel 9/10/18-10/1/18	KEA 396-397
242.	Brownells P.O. #09509744 11/16/18	Armory 556-558 (no depo ex. #)
64.	Armory Product Submission to Brownells	KEA 389-395
28.	Brownells Catalog CAV-15 MKII & MKIII	Dепо Ex. 28
65.	Email Phagan to Levy Re: GWAC Listing 8/15/19	KEA 699-700
66.	Email Phagan to Levy WWSD 2020 8/27/19	KEA 885
67.	Email Phagan to Levy Re: MK Submission 9/10/19	KEA 705-709
68.	Email Phagan to Levy Re: Brownells WWSD 9/18/19	KEA 724-725
165.	Email Phagan to Levy Re: PO 09585734 9/30/19	KEA 704
166. & 91	Email Phagan to Levy/InRangeWWSDMedia/Press 10/8/19	KEA 701
69.	Email Phagan to Levy Re: Dist. Mk3 Design 10/9/19	KEA 702-703
167.	Emails Phagan/Levy Re: Shot Show 10/28/19-11/15/19	KEA 748-750
70.	SST Post The KE Arms Poly. Rec. 11/22/19	Dепо Ex. 70
71.	Jerking the Trigger Article, It Lives... 11/22/19	Armory 163-168
72.	Email Phagan to Levy RECOIL ad 11/22/19	KEA 710-718
35.	RECOIL article KE Arms Ann. Mk3 11/22/19	Armory 172-177
73.	Email Phagan to Levy MK3 Wireframe 11/27/19	KEA 693-698

74.	Emails Phagan/Levy 11/27/19	KEA 729-730
207.	Email Phagan to Ray Scherer Re: Meeting Links 12/4/19	MDI 204
76. & 187.	Branson Invoices 12/27/19	KEA 53-54
77.	Email Phagan to Levy/Brownells 1/3/20710	KEA 633-635
169.	Emails Levy/Phagan Re: WWSD for IWA 1/11/20	KEA 664
168.	Email Phagan to Levy Re: PROTO-01 1/16/20	KEA 598
170.	Email Brownells/Levy/Phagan Shot Show 1/20/20	KEA 645-649
79.	Email Phagan to Levy Drop Box Link for Photos 1/20/20	KEA 566
203. & 171.	Email Levy to Phagan Pre-Orders 1/27/20	KEA 640
31.	Brownells website KP-15 WWSD 2020	Armory 182
32.	Brownells website KP-15 WWSD 2020	Armory 183-184
33.	Brownells website KP-15 WWSD 2020	Armory 185
37.	2 nd Amendment Wholesale Website 11/13/20	Armory 191-193
75.	InRange WWSD 2020 Safety & Instruction Manual	KEA 927-950
144.	CAV-15 Owner's Manual	KEA 2091-2098
183.	Moldworx Invoices 1/7/20 – 9/30/20	KEA 2154-2159
202.	Emails Scheretech MK3 Program 12/11/19 - 2/4/20	MDI 214-221
206.	Conventus Beyond Polymers 30% long glass	MDI 159-160
173.	Email Phagan to Levy Re: Release Date 2/12/20	KEA 591
213. & 199	Emails Sperry/Beltran/Phagan Serial Insert 3/17/20	MDI 228-231
16.	Emails Armory to KEA Cease & Desist 4/7/20	KEA 67-68
188.	Emails Phagan/Taylor/Sperry/Beltran 4/3/20-4/8/20	Branson 1-3
192.	KP-15 CAM file data screenshot	Depo Ex. 192
80.	Email Phagan to Levy Poly. Rec. Model Update 4/16/20	KEA 596
81.	Email Phagan to Levy Re: Cease & Desist 4/21/20	KEA 620-621
174.	Email Phagan to Levy Re: PDQ Levers KP-15 4/30/20	KEA 595
190.	Emails Phagan/Beltran/Pivot Point 5/20/20-5/28/20	Depo Ex. 190
201.	Emails Phagan to Pivot Point 5/20/21-5/21/21	Depo Ex. 201
175.	Email Phagan to Levy GI Parts Kit 6/3/20	KEA 573-574
176.	Emails Levy/Phagan Re: Comp. Parts 7/30/20-8/3/20	KEA 626
82.	Emails Levy/Phagan KP-15/WWSD Update 10/21/20	KEA 630
177.	Emails Phagan/Levy Re: WWSD Page 12/10/20-12/14/20	KEA 668-669
178.	Email Levy/InRange 2/4/21 & Royalty Agreement 4/12/18	KEA 562-563
179.	Emails Levy/Phagan Re: WWSD First Batch 3/2/21	KEA 662
180.	Emails Phagan/Levy Re: Product Photography 3/3/21	KEA 349
214.	Moldworx/Sperry Design Drawings	Sperry 4-6, 28, 31-32, & 42-45
215.	Photos of Example Lower	Sperry 9-11
216.	KE Arms DFM Evaluation 1-10-20	Sperry 13-22

217.	Emails Phagan/Sperry/Beltran MK3 1/8/20 - 1/15/20	Sperry 23-27
218.	Emails Phagan/Sperry Re: Area	Sperry 55-60
184.	Sperry Design Services Invoice 6/9/21 & Emails	Sperry 61-64
219.	Emails Phagan/Sperry KP15 5/7/21	Sperry 65-66
205 & 220.	MK3 Gate Style Comparison	MDI 3131
221.	Email Phagan/Sperry/Taylor 1/27/20 Wraithworks	Sperry 12
93.	2 nd Amendment Wholesale Mailer WARP-15	Armory 216
189.	Sperry Design Services Final Release 6/9/21	KEA 1257-1303
208.	Tool & Design Group Checks	T&DG 1-9
209.	KEA payments to TDG spreadsheet	T&DG 10
222.	Tool & Design Group Bank Statements & Checks	Zion STD 1-138
223.	RSR Group P.O.'s & Communications	RSR 2-36
224.	Emails Phagan/Pivot Point 1/17- 1/18/19	PivotPoint 77-79
225.	Pivot Point Customer Summary 8/1/13 – 12/13/21	PivotPoint 75
226.	Pivot Point Sales Analysis 11/13/15 – 12/13/21	PivotPoint 110
227.	Pivot Point Purchase Orders	PivotPoint 99-102, 105, 108, 115, 125, 133, 135, & 142
228.	Brownell Invoices; Dated September 21, 2021	KEA975-980 & 983-1086
246.	Annual Firearms Manufacturing & Expert Report for the Year 2020 Interim*	KEA1134 & KEA1157
229.	2018-2020 Taxes	KEA1099 - KEA1107
230.	Brownells' Model/Serial No., KE Arms Manufacturing List dated December 2, 2020	KEA603 - KEA606
231.	Joint Defense Agreement SST, Phagan, TDG & Beltran dated May 25, 2022	
232.	Documents produced by MDI	
181.	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Dims	Depo Ex. 181 & 182
182.	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Dims	Depo Ex. 181 & 182
191.	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Surface Knit Line Dimensions	Depo Ex. 191
243.	Armory CAV-15 Sales Documents	Armory 264-295 (no depo ex. #)
244.	Rainier Arms Purchase Order dated 12/27/12	Armory 263 (no depo ex)
245.	Email Kassard to Jones dated 2/4/15 R: Full30 Ad	Armory 431
200.	Email from Phagan to Mow, Beltran & Mike@KEArms dated 5/14/2021	Depo Ex. 200
186.	Molded Devices Documents	Branson 18-Branson 22
194	Declaration of Karl Kasarda in Support of Opposition to CounterDefendants' Rule 11 Motion for Sanction	Depo Ex. 194
150.	Photos of Gun Butt	
204.	Email from Teoh; Subject: Quatation of PNM115037-HIFILL; dated 3/12/2020	MDI_00191- MDI_00198

39.	Gofundme Page titled “Make Shawn Whole Again”	
38.	Web Archive Article: KP-15 Polymer Receiver	Armory-0307
36.	Purchase Page: KE Arms LLC – AR-15 KP-15 Stripped Lower Receivers Polymer	Armory-0179
34.	Letter from Nealon to KE Arms dated 2/25/2016	Armory-0118
124.	Photos of gun butt	KEA002416-KEA002441
138.	Demonstrative Exhibit CAV-15 & KP-15 Pins	
139.	Plaintiff’s Expert Reports	
140.	Defendants’ Expert Reports	

Armory reserves the right to amend, supplement, or add to this list of documents, any documents, other exhibits or demonstrative evidence which may be relevant to the issues of this case. Further, Armory reserves the right to use any documents identified by any other party.

Dated February 20, 2023.

Respectfully submitted,

JONES, GOTCHER & BOGAN, P.C.

s/Tadd J.P. Bogan

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**Attorneys for Plaintiff, GWACS Armory,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2023, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the record currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/Tadd J.P. Bogan
Tadd J. P. Bogan